

Docket No. F-8301

Serial No.:10/501,745

REMARKS

The drawings have been objected to because claims 4, 6, 10 and 12 recite "a flow-dividing actuator", "a spindle actuator" and "a series connection" and these limitations are not shown in the drawings. Applicant has cancelled claims 4, 6, 10 and 12 to avoid the drawing objections.

Claim 9 has been constructively cancelled because the claim was not recited in the preliminary amendment filed with this case. Accordingly, Claims 1-8 and 10-16 have been examined for patentability. Claims 1-8, 10-14 and 16 have been objected to for containing informalities and claims 1-8 and 10-16 have been rejected under 35 U.S.C. § 112, second paragraph for being indefinite.

Applicant expresses appreciation to the Examiner for determining that claims 4, 6, 7/2/1 and 8/7/2/1 contain allowable subject matter and would be allowed if rewritten to overcome the stated drawing objections, the rejections under 35 U.S.C. § 112, second paragraph and to include the limitations of the claims from which they depend. Furthermore, while not expressly stated in the outstanding Office Action, Claim 11 has not been rejected over prior art so that Applicant believes that the claim would be patentable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include the limitations of the claims from which it depends.

Claims 1, 7/1, 8/7/1 and 13/1 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Haga et al (USPN 5651423). Claims 2, 3 and 5 have been

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rejected under 35 U.S.C. § 103(a) as being unpatentable over Haga as modified by Duffy (USPN 4760892). Claims 14/1, 15/14/1, and 16/15/14/1 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Haga as modified by Miller (USPN 3971216). Claims 14/2/1 and 16/15/14/2/1 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Haga as modified by Duffy and Miller.

In reviewing the invention, the specification discloses on pages 7-8, illustrates in Fig. 2, and the amended claims recite, a plurality of hydraulic components including a pump 2, an outflow throttle 10 and a steering valve. The hydraulic components are each connected to a single parallel hydraulic loop between a first line 5 and a second line 6, where the first line is a high pressure forward line and the second line is a low pressure return line. Furthermore, the outflow throttle 10 includes a piston 11 actuated by an actuator 16 defined by a combination of a spring 17 and a magnetic actuator 18, where the magnetic actuator 18 is controlled by a control unit 19.

In reviewing Haga, at Fig. 5, the pump 11 is not connected in parallel with the outflow throttle 50 and the control valve 14 and the outflow throttle fails to contain a magnetic actuator 18. In reviewing Duffy, the reference teaches a magnetically actuated piston. However, combining the teachings of Duffy with Haga, without the benefit of Applicant's disclosure, teaches a first piston actuated by a spring and a second piston actuated by a magnetic actuator but fails to teach one piston actuated by both a spring and a magnetic actuator. Accordingly, the

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combination of the references is insufficient to render the amended claims unpatentable. *In re Levingood* 28 U.S.P.Q.2d 1300 (BPAI 1993) (it is insufficient to show that the claimed recitations were individually known unless the references show a desirability to combine the same as claimed); *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (BPAI 1984) ("the art, without the benefit" of Applicant's specification, must provide the suggestion to "make the necessary changes in the reference device" and produce the invention as claimed).

As the amended claims recite features not taught by the references, the amended claims are patentable thereover. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) (a prima facie case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$120.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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